

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda May 12, 2015 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Council Member Jose Caragol

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Mayor Hernandez presents an Award of Merit to Manolin Busto in recognition of his hard work and dedication to public service in the community.

1. Announcement of Amendments/Corrections to the Agenda –

- **The applicant of item PZ 1 has asked that the item remain on table until the meeting of May 26, 2015**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 28, 2015. (OFFICE OF THE CITY CLERK)
- B.** Proposed resolution approving the co-designation of that portion of West 4th Avenue lying just East of State Road 823, also known as Red Road/West 4th Avenue, between West 47th Street and West 49th Street, in Hialeah, Florida, presently unnamed, as “Dr. Efrain Camara Way”, in honor and memory of the outstanding service and dedication of Dr. Efrain Camara to the City of Hialeah and its residents, with the cost of signage to be paid by the City. (OFFICE OF THE CITY CLERK)
- C.** Request from City of Hialeah Education and Community Services for a street closure permit for the Leah Arts District’s #HIALEAHNOW event, on Sunday, May 17, 2015, between the hours of 2:30 p.m. to 9:00 p.m., on 15 Street from East 10th Avenue to East 11th Avenue, with the event occurring from 4:00 p.m. to 8:00 p.m. (*Applicant: City of Hialeah*)
- D.** Report of Scrivener’s Error – Item M of the City Council Meeting held on April 28, 2015, Resolution No. 2015-66, was approved with the incorrect amount of the sub-grant award. Resolution No. 2015-66 has been amended to reflect the amount of the award as \$465,000. (FIRE DEPT.)
- E.** Report of Scrivener’s Error – Item F of the City Council Meeting of April 28, 2015, Resolution No. 2015-64, was approved with the incorrect account names for the Local Business Tax Department and Office of Management and Budget Department. The correct accounts are as follows:

Department: Local Business Tax
Correct Account Name: Capital Outlay – Equipment

Department: Office of Management & Budget
Correct Account Name: Employee Retirement Contributions – ERS Plan
- F.** Request permission to waive competitive bidding and issue a purchase order to Jobbers’ Equipment Warehouse, Inc., vendor providing the lowest quotation, since it is advantageous to the City to improve the safety conditions of the Fleet Maintenance Department, for the purchase of six (6) challenger 12,000 lb. capacity lifts to replace the current lifts which are over thirty years old, in a total cumulative amount not to exceed \$28,609.40. (FLEET MAINTENANCE DEPT.)
- G.** Request permission to utilize the pricing of the Florida Sheriffs Association & Florida Association of Counties, Full Size 4-Door Administrative Vehicles Specification #12, and

issue a purchase order to Lou Bachrodt Chevrolet, Inc., to purchase a 2015 Chevrolet Impala Limited (1WF19) FOR THE Planning and Zoning Department, in a total cumulative amount not to exceed \$18,137. (FLEET MAINTENANCE DEPT.)

- H. Request permission to purchase the 2012 Ford Edge vehicle presently being used by the Mayor from Gus Machado Ford, since it is advantageous to the City in that the vehicle's lease has expired and it is in the City's best interest to purchase the vehicle instead of entering into a new lease agreement, in a total cumulative amount not to exceed \$25,466. (FLEET MAINTENANCE DEPT.)
- I. Proposed resolution approving the expenditure totaling an amount not to exceed fifteen thousand three hundred and twelve dollars and fifty-six cents (\$15,312.56) from the Law Enforcement Trust Fund – *Federal*, to purchase and identification card printer and related accessories from Plasco, Inc., the lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- J. Request permission waive competitive bidding and issue a purchase order to Horizon Contractors, Inc., vendor providing the lowest quotation, for the installation of new spot French Drains within City limits, in a total cumulative amount not to exceed \$168,187.50. (STREETS DEPT.)
- K. Request permission to waive competitive bidding and issue a purchase order to Urbietta Oil, Inc., and further request permission to transfer \$700,000 from existing purchase order # 2015-254 issued to Macmillan Oil Co. of Florida to the purchase order being issued to Urbietta Oil, since it is advantageous to the City due to legal issues being experienced with Macmillan Oil Co. of Florida and due to time constraints in purchasing gas and diesel, for the purchase of gas and diesel for City vehicles, in a total cumulative amount not to exceed \$700,000. (FLEET MAINTENANCE DEPT.)
- L. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest quotation, for the service of striping West 34 Place from West 15 Avenue to 16 Avenue, in a total cumulative amount not to exceed \$21,082.05. (STREETS DEPT.)
- M. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., lowest quoted vendor, for the service of area sidewalk restoration (Phase 2) on West 78 Street, in a total cumulative amount not to exceed \$4,685.96. (STREETS DEPT.)
- 3. Second reading and public hearing of proposed ordinance setting the election date for the General Election for the year 2015 for the date of Tuesday, November 17, 2015 for the Offices of the City Council whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)

Item was approved by the City Council on first reading on April 28, 2015.

4. Second reading and public hearing of proposed ordinance providing for a Primary Election to be held on Tuesday, November 3, 2015 and a General Election to be held on Tuesday, November 17, 2015; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)

Item was approved by the City Council on first reading on April 28, 2015.

5. First reading of proposed ordinance amending Employees General Retirement System, Article IV, Chapter 70 entitled “Retirement and Pension” of the Code of Ordinances to meet the Internal Revenue Code’s tax qualification requirements for government pension plans, and in particular revising Division 4. Membership, Sections § 70-203 entitled “Retirement Plans” by implementing an annual contribution limit to the Annuity Savings Fund, and § 70-207 entitled “War Service Credit” providing special rules relating to contributions, benefits, service credits, and treatment of differential wage payments for plan members engaged in qualified military service; Division 5. Benefits, § 70-250 entitled “Payments for death incurred either before or after retirement” providing death benefits for survivors of plan members in engaged in qualified military service; Division 6. Additional Benefits for Firefighter and Police Officer Members implementing minimum benefits required by chapters 175 and 185, Florida statutes and other benefits already provided, § 70-257 entitled “War Service Credit” providing for treatment of differential wage payments to firefighter or police officer members engaged in qualified military service and §70-259.1 entitled “Federal Tax Provisions” providing for roll-overs of distributions by non-spouse beneficiaries; repealing all ordinances in conflict herewith; providing for penalties; providing for inclusion IN the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)
6. Pursuant to Section 2.01 of the City’s Charter, Mayor Hernandez appoints Annette Quintana, subject to civil service rules and regulations, to the position of Director of Grants and Human Services. (ADMINISTRATION)
7. Pursuant to Section 2.01 of the City’s Charter, Mayor Hernandez appoints Jonathan Martinez, subject to civil service rules and regulations, to the position of Community Development Administrative Officer. (ADMINISTRATION)
8. Board Appointments -
9. Unfinished Business –
10. New Business –
11. Comments and Questions –

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Recommendation of denial by the Planning and Zoning Board to repeal and rescind Hialeah, Fl. Ordinance 79-100 and consider a Variance Permit to allow 48 parking spaces, where 230 parking spaces are required for an existing 46,183 square feet utility equipment building. **Property located at 1245 West 69th Street, Hialeah**, zoned C-2 (Liberal Retail Commercial). (*Applicant: Leslie A. Lewis, Attorney for AT&T Florida*)

<i>Item was postponed by the City Council on April 14, 2015 until May 12, 2015 per the Applicant's request.</i>

<i>Item was denied by the Planning and Zoning Board on March 25, 2015.</i>
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- PZ 2. First reading of proposed ordinance approving a Final Plat of Bonterra, accepting all dedication of Avenues, Streets, Roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property is a vacant parcel, located at the north side of West 92nd Street (Northwest 146 Street), between West 36 Avenue (Northwest 97 Avenue) and I-75 (State Road 93), Hialeah, Florida.** (*Applicant: Hialeah Communities, LLC*)

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 15-2 that granted adjustments on property located at **1252 West 78 Street, Hialeah, Florida**; and providing for an effective date. (*Applicant: Livan Chirino and Yudinaivys Borges*)

<i>Item was postponed by the City Council on April 28, 2015 until May 12, 2015 in order to be advertised.</i>

<i>Item was approved by the Planning and Zoning Board on April 8, 2015.</i>

CITY INITIATED LAND USE AMENDMENTS

- LU 1. Public hearing of proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, expressing its intent to adopt a text amendment to the Future Land Use Element of the Hialeah, Fla., Comprehensive Land Use Plan (2003-2015) to include a new Transit Oriented Development Future Land Use District, which was presented to the City Council at a meeting on April 28, 2015; and providing for an effective date. (*Applicant: City of Hialeah*)

Item was postponed by the City Council on April 28, 2015 until May 12, 2015 per the City Attorney's request.

Item was approved by the Planning and Zoning Board on April 22, 2015.

LAND USE AMENDMENTS

- LU 2. Recommendation of Denial by the Planning and Zoning Board for a Small Scale Amendment from Medium Density Residential to High Density Residential. **Property located at 20 East 41 Street**, zoned R-3-2 (Multiple Family District). (Applicant: Orlando Rivero)

Item was denied by the Planning and Zoning Board of April 22, 2015.

- LU 3. Recommendation of denial by the Planning and Zoning Board for a Small Scale Amendment from Low Density Residential to High Density Resident. **Property located at 3500 West 9 Avenue**, zoned R-1 (One-Family District). (Applicant: Hialeah 10.1 Acres, LLC & Les Chalet Investments, LLC.)

Item was denied by the Planning and Zoning Board on April 22, 2015.

- LU 4. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to High Density Residential; **properties located at 4597 and 4599 Palm Avenue, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Roberto C. Gonzalez)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 5. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial; **property located on the west side of West 36 Avenue at approximately West 110 Street, Hialeah, Florida**, zoned AU (Agricultural District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Michael Osman, Esq.)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 6. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial; **property located on the north side of West 108 Street and West 38 Avenue, Hialeah, Florida**, zoned AU (Agricultural District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Michael Osman, Esq.)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 7. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial; **property located on the northwest corner of West 36 Avenue and West 108 Street, Hialeah, Florida**, zoned AU (Agricultural District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Michael Osman, Esq.*)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 8. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial; **property located on the north side of West 109 Street and West 38 Avenue, Hialeah, Florida**, zoned AU (Agricultural District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Michael Osman, Esq.*)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 9. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial; **property located on the north side of West 112 Street and West 38 Avenue, Hialeah, Florida**, zoned AU (Agricultural District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Michael Osman, Esq.*)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 10. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential; **property located at 382 West 38 Street, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A.*)

Item was approved by the Planning and Zoning Board on April 22, 2015.

- LU 11. First reading of proposed ordinance amending the Future Land Use Map from Industrial to High Density Residential; **property located at 295 West 79 Place, Hialeah, Florida**, zoned M-1 (Industrial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A.*)

Item was approved by the Planning and Zoning Board on April 22, 2015.

NEXT CITY COUNCIL MEETING: Tuesday, May 26, 2015 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 26, 2015 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).